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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,742	02/04/2004	Atsushi Shibutani	04081 /LH	9563
1933 7590 08/10/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,742	Applicant(s) SHIBUTANI ET AL.	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 3-4, 6, 9-10, 12, 14-19, 24-25, 27, 29-30, and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,8,11,13,20-23,26,28,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/04/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/04/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 3-4, 6, 9-10, 12, 14-19, 24-25, 27, 29-30, and 31** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/10/2007.
2. The Applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statements (IDS), filed on 05/14/2004, 02/10/2005, 11/01/2005, 01/17/2006, and 07/02/2007, has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Objections

5. **Claims 2, 5, 7-8, 11, 13, 20-22, and 28** are objected to because of the following informalities:

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Claims 2, 5, 7-8, 11, 13, and 20-22 depend upon claim 1. For each of claims 2, 5-8, 11, 13, and 20-22, please change “An apparatus” to “The apparatus”. Appropriate correction is required.

Claim 28 depends upon claim 26. For claim 28, please change “An apparatus” to “The apparatus”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-2, 5, 7-8, 11, 13, 20-22, 32, and 33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “a third display control unit configured to limit the number of photographed image data to be simultaneously displayed in the display area to a predetermined number” in the last two lines of claim 1. Is the Applicant referring to the same “predetermined number” of display areas as recited in the “first display control unit...” limitation of claim 1? There is insufficient antecedent basis for this limitation in the claim. For a prior art rejection, the Examiner will provide the best interpretation of the indefinite claims as possible.

Claim 32 recites the limitation “limiting the number of photographed image data to be simultaneously displayed in the display area to a predetermined number” in the last two lines of claim 32. Is the Applicant referring to the same “predetermined number” of display areas as recited in the “setting a predetermined number...” limitation of claim 32? There is insufficient

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antecedent basis for this limitation in the claim. For a prior art rejection, the Examiner will provide the best interpretation of the indefinite claims as possible.

Claim 33 recites the limitation “processing for limiting the number of photographed image data to be simultaneously displayed in the display area to a predetermined number” in the last two lines of claim 33. Is the Applicant referring to the same “predetermined number” of display areas as recited in the “processing for setting...” limitation of claim 33? There is insufficient antecedent basis for this limitation in the claim. For a prior art rejection, the Examiner will provide the best interpretation of the indefinite claims as possible.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-2, 5, 7-8, 13, 20, 22, 23, 32, and 33** are rejected under 35 U.S.C. 102(b) as being anticipated by Rothmuller et al. (Pat. App. Pub. #20020033296).

For **claim 1**, Rothmuller discloses an image reproduction apparatus (fig. 1 and pg. 2, pgph. 0017 – the photo input devices, [i.e. digital camera, CD-ROM, etc.]) comprising:

a memory (database) configured to record photographed image data and photographing information of the photographed image data in association with each other (pg. 2, pgph. 0017);

a display (fig. 1, pg. 2, pgph. 2, 0018);

a first display control unit (tagging) configured to set a predetermined number of display areas on the display (pg. 2, pgph. 0018);

a display area selection unit (fig. 2; searching/retrieving a photo with a tag) configured to select, on the basis of the photographing information recorded in the memory, a display area in which the photographed image data recorded in the memory in association with the photographing information should be displayed from the predetermined number of display areas set by the first display control unit (pgs. 2-3, pgphs. 0018-0019, 0024-0025);

a second display control unit (fig. 2; displaying a photo with a tag) configured to display the photographed image data in the display area selected by the display area selection unit (pgs. 2-3, pgphs. 0018-0019, 0024-0025); and

a third display control unit (fig. 3, ref. 250) configured to limit the number of photographed image data to be simultaneously displayed in the display area to a predetermined number (pgs. 3-4, pgphs. 0031-0032; also see fig. 4). Please note that the number of photographed image data is limited by grouping the data by periods of time and displaying information regarding this grouping on a timeline (pgph. 0031). Figure 4 illustrates data of a particular month and year.

For **claim 2**, Rothmuller discloses *the* apparatus according to claim 1, wherein the photographing information is information representing photographing time of the photographed image data (pg. 2, pgphs. 0018-0023).

For **claim 5**, Rothmuller discloses *the* apparatus according to claim 1, wherein the third display control unit includes an image selection unit configured to select a predetermined number of photographed image data having early photographing times from the plurality of

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photographed image data to be displayed in the same display area, and an image display unit configured to simultaneously display, in the display area, the predetermined number of photographed image data selected by the image selection unit (pgs. 3-4, pgphs. 0031-0032; also see fig. 4).

For **claim 7**, Rothmuller discloses *the* apparatus according to claim 1, wherein the third display control unit limits the number of photographed image data to be simultaneously displayed in the display area to one (pg. 2, pgph. 0018).

For **claim 8**, Rothmuller discloses *the* apparatus according to claim 7, further comprising a fourth display control unit (changing the search criteria/tag information) configured to sequentially switch the photographed image data displayed in the display area to display the plurality of photographed image data to be displayed in the same display area (pg. 2, pgphs. 0018-0024).

For **claim 20**, Rothmuller discloses *the* apparatus according to claim 1, further comprising

a display area designation unit configured to designate an arbitrary display area of the predetermined number of display areas (pg. 2, pgphs. 0018-0024), and

a fourth display control unit configured to simultaneously display, on the display, a plurality of photographed image data including photographed image data which are limited by the third display control unit and are not displayed, in the display area designated by the display area designation unit (pg. 2, pgphs. 0017-0024).

For **claim 22**, Rothmuller discloses *the* apparatus according to claim 1, which further comprises an image sensor configured to sense an object image and outputs photographed image data (pg. 2, pgph. 0017 – inherent because the apparatus includes a digital camera), and

in which the memory records the photographed image data output from the image sensor (pg. 2, pgph. 0017).

For **claim 23**, Rothmuller discloses an image reproduction apparatus (fig. 1 and pg. 2, pgph. 0017 – the photo input devices, [i.e. digital camera, CD-ROM, etc.]) comprising:

a memory (database) configured to record photographed image data (pg. 2, pgph. 0017);

a display (fig. 1, pg. 2, pgph. 0018);

a classification unit (fig. 1, tagging) configured to classify the photographed image data recorded in the memory into a plurality of groups in accordance with a predetermined condition (pg. 2, pgphs. 0017-0023);

a first display control unit (fig. 1) configured to display, on the display for each group, the photographed image data classified by the classification unit (pg. 2, pgphs. 0017-0023);

a second display control unit (displaying one photo with a tag) configured to limit the number of photographed image data to be displayed in each group to one (pg. 2, pgph. 0018);
and

a third display control unit (searching/retrieving one or more photos with tag categories) configured to sequentially switch the photographed image data displayed in each group to display, on the display, a plurality of photographed image data included in the same group (pg. 2, pgphs. 0018-0024).

For **claim 32**, Rothmuller teaches an image reproduction method (pg. 2, pgph. 0017) comprising steps of:

setting a predetermined number of display areas on a display (pg. 2, pgph. 0018);

selecting, on the basis of photographing information recorded in a memory, a display area in which photographed image data recorded in the memory in association with the photographing information should be displayed from the predetermined number of display areas (pgs. 2-3, pgphs. 0018-0019, 0024-0025);

displaying the photographed image data in the selected display area (pgs. 2-3, pgphs. 0018-0019, 0024-0025); and

limiting the number of photographed image data to be simultaneously displayed in the display area to a predetermined number (pgs. 3-4, pgphs. 0031-0032). Please note that the number of photographed image data is limited by grouping the data by periods of time and displaying information regarding this grouping on a timeline (pgph. 0031).

For **claim 33**, Rothmuller teaches an program which causes a computer of an image reproduction apparatus to execute:

processing for setting a predetermined number of display areas on a display (pg. 2, pgph. 0018);

processing for selecting, on the basis of photographing information recorded in a memory, a display area in which photographed image data recorded in the memory in association with the photographing information should be displayed from the predetermined number of display areas (pgs. 2-3, pgphs. 0018-0019, 0024-0025);

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processing for displaying the photographed image data in the selected display area (pgs. 2-3, pgphs. 0018-0019, 0024-0025); and

processing for limiting the number of photographed image data to be simultaneously displayed in the display area to a predetermined number (pgs. 3-4, pgphs. 0031-0032). Please note that the number of photographed image data is limited by grouping the data by periods of time and displaying information regarding this grouping on a timeline (pgph. 0031). Also for claim 33, please read pg. 5, pgph. 0041.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 11, 13, 21, 26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (Pat. App. Pub. #20020033296) in view of Anderson (U.S. Pat. #6,118,480).

For **claim 11**, Rothmuller discloses *the* apparatus according to claim 1, further comprising

a display area designation unit configured to designate an arbitrary display area of the predetermined number of display areas (pg. 2, pgphs. 0018-0024), and

Also on pg. 2, pgph. 0024, Rothmuller discloses that metadata associated with a photo can be viewed and edited at once for a plurality of photographed image data included in the

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group designated by the group designation unit. Also, please see fig. 2. However, Rothmuller does not expressly disclose an image processing unit configured to execute predetermined image processing.

In a similar field of endeavor, Anderson discloses an image processing unit (fig. 3) configured to execute predetermined image processing (col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; fig. 9). In light of the teaching of Anderson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Rothmuller with the apparatus of Anderson. This modification provides another means for accessing and viewing images (Anderson, col. 2, lines 28-63).

For **claim 13**, Rothmuller discloses *the* apparatus according to claim 11, which further comprises

Also on pg. 2, pgph. 0024, Rothmuller discloses that metadata associated with a photo can be viewed and edited at once for a plurality of photographed image data. Also, please see fig. 2. However, Rothmuller does not expressly disclose an image processing designation unit configured to designate a type of image processing, and in which the image processing unit executes image processing of the type designated by the image processing designation unit.

In a similar field of endeavor, Anderson discloses an image processing designation unit (fig. 3) configured to designate a type of image processing, and in which the image processing unit executes image processing of the type designated by the image processing designation unit. (col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; fig. 9). In light of the teaching of Anderson, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to modify the apparatus of Rothmuller with the apparatus of Anderson. This modification provides another means for accessing and viewing images (Anderson, col. 2, lines 28-63).

For **claim 21**, Rothmuller discloses *the* apparatus according to claim 20, further comprising

an image selection unit configured to select arbitrary photographed image data from the plurality of photographed image data simultaneously displayed on the display by the fourth display control unit (Rothmuller, pg. 2, pgphs. 0018-0024).

However, Rothmuller does not expressly disclose a fifth display control unit configured to display, on the display, an enlarged image of the photographed image data selected by the image selection unit.

In a similar field of endeavor, Anderson discloses a fifth display control unit configured to display, on the display, an enlarged image of the photographed image data selected by the image selection unit (Anderson, col. 8, lines 36-52; fig. 9). In light of the teaching of Anderson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Rothmuller with the apparatus of Anderson. This modification provides another means for accessing and viewing images (Anderson, col. 2, lines 28-63).

For **claim 26**, Rothmuller discloses an image reproduction apparatus (fig. 1 and pg. 2, pgph. 0017 – the photo input devices, [i.e. digital camera, CD-ROM, etc.]) comprising:

a memory (database) configured to record photographed image data (pg. 2, pgph. 0017);

a display (fig. 1; pg. 2, 0018);

a classification unit (fig. 1, tagging) configured to classify the photographed image data recorded in the memory into a plurality of groups in accordance with a predetermined condition (pg. 2, pgphs. 0017-0023);

a display control unit (fig. 1) configured to display, on the display for each group, the photographed image data classified by the classification unit (pg. 2, pgphs. 0017-0023);

a group designation unit (searching/retrieving one or more photos with tag categories) configured to designate an arbitrary group of the plurality of groups displayed on the display by the display control unit (pg. 2, pgphs. 0018-0024); and

Also on pg. 2, pgph. 0024, Rothmuller discloses that metadata associated with a photo can be viewed and edited at once for a plurality of photographed image data included in the group designated by the group designation unit. Also, please see fig. 2. However, Rothmuller does not expressly disclose an image processing unit configured to execute predetermined image processing.

In a similar field of endeavor, Anderson discloses an image processing unit (fig. 3) configured to execute predetermined image processing (col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; fig. 9). In light of the teaching of Anderson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Rothmuller with the apparatus of Anderson. This modification provides another means for accessing and viewing images (Anderson, col. 2, lines 28-63).

For **claim 28**, Rothmuller, as modified by Anderson, discloses *the* apparatus according to claim 26, which further comprises an image processing designation unit configured to designate a type of image processing, and in which the image processing unit executes image processing of

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the type designated by the image processing designation unit at once for the plurality of photographed image data. (Rothmuller, pg. 2, pgphs. 0018-0024) (Anderson, col. 5, line 63 – col. 6, line 11; col. 8, lines 36-52; fig. 9)

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borden, IV (Pub. #2002/01400820)	A system for presenting digital images, each associated with a date, using a display having a calendar based interface.
Phillips et al. (U.S. Pat. #6,186,553)	A customizable theme calendar.
Miller et al. (U.S. Pat. #6,310,648)	An apparatus for viewing and manipulating electronic image data corresponding to one or more images.
Matsumoto et al. (U.S. Pat. #5,796,428)	An electronic photo system that displays and classifies image data on the basis of attribute data thereby grouping the image data into albums.
Hirano et al. (U.S. Pat. #5,553,277)	Image search method for searching and retrieving a desired image from a memory device.

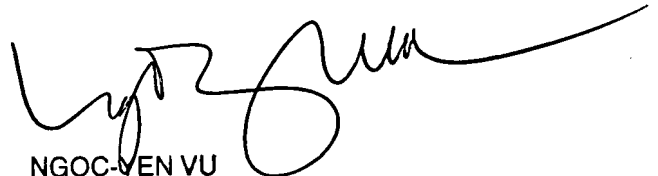
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
July 31, 2007

A handwritten signature in black ink, appearing to read 'Ngoc-Ven Vu', with a long horizontal flourish extending to the right.

NGOC-VEN VU
SUPERVISORY PATENT EXAMINER